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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,224	10/23/2003	Paul England	MSFT-2821/306377.1	8389
41505 7590 11/16/2007 WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION) CIRA CENTRE, 12TH FLOOR 2929 ARCH STREET PHILADELPHIA, PA 19104-2891			EXAMINER LAI, MICHAEL C	
			ART UNIT 2157	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/692,224

Applicant(s)

ENGLAND ET AL.

Examiner

Michael C. Lai

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 13 oct 2006
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

This office action is responsive to amendment filed on 9/4/2007.

Response to Amendment

The examiner has acknowledged the amended claims 1, 9, 19 and 27.

Response to Arguments

Applicant's arguments, filed on 9/4/2007, have been fully considered but they are not persuasive.

Applicant's argument, see page 11, paragraph #5, with respect to the Rothrock license, is not persuasive. The Rothrock license contains a signature and a data structure that defines at least one security factor ID and an associated factor value. The system reads the data structure, sets a security factor value for a security factor, the security factor corresponding to the security factor ID, to the associated factor value from the data structure, allows access to the content, and performs security processing by the system at a level based at least in part on the security factor value (see Abstract). As such, the license contains sensitive security information for a resource requester, as is required by claims 1, 9, 19, and 27.

Applicant's argument, see page 12, paragraph #2, with respect to the Rothrock agent, is not persuasive. The agent may decode and decrypt a buffer of encrypted digital content as part of the playing of the content by the player (see FIG. 6, block 134). As such, the agent does provide the access to the content.

Applicant's argument, see page 12, paragraph #3, with respect to calculating a code-ID, is not persuasive. The security factor value is associated with the security

factor ID (claim 1 and FIG. 5) in the Rothrock reference. This is equivalent to associating a code-ID with an RR id in the instant application. The agent IVK performs signature and integrity verification of modules using SBDFS (FIG. 6) is the same as imparting trust to an RR particularly required by claims 9 and 27.

In view of Applicant's argument (see page 12, paragraph #4), the examiner has pointed out where exactly the Rothrock reference reads on the limitations of the claims (see rejections below).

Thus, in view of such, the rejection is sustained as follows:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 9-15, 19-23 and 27-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Rothrock (US 7,174,320 B2, hereinafter Rothrock).

Regarding claim 1, Rothrock discloses a method of obtaining a resource from a resource provider (RP) for a resource requester (RR) operating on a computing device, the RP being a software or hardware construct providing the resource, the RR having an identity descriptor (id) associated therewith, the id including security-related information specifying an environment in which the RR operates, the method comprising:

loading the RR onto the computing device [col. 4, lines 4-10, loads the main application program. Note that the player application and the user are being considered as a resource requester/receiver.];

loading the id corresponding to the RR onto the computing device [col. 4, lines 15-21, user's identity];

providing the RR with a reference to the loaded id [col. 6, lines 51-53, security factor ID];

calculating a code identity (code-ID) corresponding to and based on the loaded RR and loaded id [col. 6, lines 51-53, security factor value];

receiving a request from the RR for the resource [col. 2, lines 26-30, access the content implies sending/receiving a request];

ascertaining that the requesting RR has rights to the resource and is to be trusted with the resource [col. 8, lines 19-21, the agent performs signature verification on the content license and determines if the user has the rights to play the content.];

forwarding the request for the resource from the RR to the RP, the forwarded request including the calculated code-ID for the requesting RR, the id for the requesting RR, and a definition of the resource requested by the RR, the RP verifying that the calculated code-ID in the forwarded request matches one of one or more valid code-IDs for the identified RR, concluding based thereon that the RR can be trusted as being a known RR that can be presumed to be trustworthy, and also that the security-related information upon which the RR operates is known security-related information that can

be presumed to be trustworthy, and responding to the forwarded request by providing the requested resource [FIGs. 6, 7, and col. 7, line 64 – col. 8, line 48];

receiving, by the RR, the requested resource as provided by the RP, and employing same in a manner consistent with the trust imparted to the RR by the RP, and in accordance with the security-related information set forth in the id corresponding to the RR [FIG. 6, block 134, and col. 8, lines 45 – 49, the agent may decode and decrypt a buffer of encrypted digital content as part of the playing of the content by the player. As such, the player receives the content and may perform other operation on the content.].

FIGS. 6 and 7 show flow diagrams of the process according to Rothrock's invention. Rothrock discloses the method of securely obtaining a content access as described in the instant claims. The player application and the user are being considered as a resource requester/receiver.

Regarding claim 2, Rothrock discloses the method of claim 1 comprising an authenticator on the computing device ascertaining that the requesting RR has rights to the resource and is to be trusted with the resource wherein, the authenticator referring to the security-related information in the id corresponding to the RR [Claim 2, performing signature verification of the content license prior to determining if the user has rights to access the content].

Regarding claim 3, Rothrock discloses the method of claim 1 wherein the forwarded request further includes a digital signature based on at least one of the

calculated code-ID for the requesting RR, the id for the requesting RR, and the definition of the resource requested by the RR, the signature being verifiable based on a security key shared with the RP [FIG. 3 and column 5, lines 52-61, module identification information field identifies a program module. Signature comprises the digital signature of the contents of the SBDF (signed binary description file)].

Regarding claim 4, Rothrock discloses the method of claim 1 wherein the id includes therein a set of security-related name-value pairs available as input to at least one of the RR, the RP, and an operating system on the computing device upon which the RR operates [FIG. 5, adaptive security table including one or more entries. Each entry includes at least a security factor identifier (ID) and corresponding factor value.].

Regarding claim 5, Rothrock discloses the method of claim 4 wherein the name-value pairs describe at least one of the environment within which the RR operates, whether the RR is to be operated in an isolated process, and each entry point by which the RR can be accessed [FIG. 5 and column 6, lines 51-56, each security factor references a particular security defense or feature that may be provided by the security system operating on the user's machine].

Regarding claim 9, Rothrock discloses a method of providing a resource by a resource provider (RP) to a resource requester (RR) operating on a computing device, the RP being a software or hardware construct providing the resource, the RR having an identity descriptor (id) associated therewith, the id including security-related information specifying an environment in which the RR operates, the method comprising:

receiving a forwarded request from the RR for the resource, the forwarded request including a code identity (code-ID) calculated for the requesting RR, the calculated code-ID corresponding to and based on the RR and the id as loaded on the computing device, the forwarded request also including the id for the requesting RR and a definition of the resource requested by the RR [col. 7, lines 64-67, At block 102, the player passes SBDFs for the relevant modules (player, plug-in, and agent), the content license, and encrypted content to the agent.];

verifying the received request [col. 7, line 67 - col. 8, line 2];

obtaining the code-ID, the id, and the definition of the resource requested from the received request [col. 7, lines 64-67, At block 102, the player passes SBDFs for the relevant modules (player, plug-in, and agent), the content license, and encrypted content to the agent];

determining from the received request an identity of the requesting RR [col. 7, lines 64-67, security factor ids are in the content license];

obtaining each of one or more valid code-IDs for the identified RR [col. 7, lines 64-67, security factor values are in the content license];

verifying that the calculated code-ID in the received request matches one of one or more valid code-IDs for the identified RR and concluding based thereon that the RR can be trusted as being a known RR that can be presumed to be trustworthy, and also that the security-related information upon which the RR operates is known security-related information that can be presumed to be trustworthy [col. 7, line 64 – col. 8, line 9];

responding to the forwarded request by providing the requested resource to the RR, the RR receiving the requested resource as provided by the RP and employing same in a manner consistent with the trust imparted to the RR by the RP, and in accordance with the security-related information set forth in the id corresponding to the RR [FIGs. 6, 7, and col. 7, line 64 – col. 8, line 48].

Regarding claim 10, Rothrock discloses the method of claim 9 comprising receiving the forwarded request from an authenticator on the computing device ascertaining that the requesting RR has rights to the resource and is to be trusted with the resource wherein, the authenticator referring to the security-related information in the id corresponding to the RR [Claim 2, performing signature verification of the content license prior to determining if the user has rights to access the content].

Regarding claim 11, Rothrock discloses the method of claim 9 wherein the forwarded request further includes a digital signature based on at least one of the calculated code-ID for the requesting RR, the id for the requesting RR, and the definition of the resource requested by the RR, the method further comprising verifying the signature [FIG. 3 and column 5, lines 52-61, module identification information field identifies a program module. Signature comprises the digital signature of the contents of the SBDF (signed binary description file)].

Regarding claim 12, Rothrock discloses the method of claim 9 further comprising validating the forwarded request based on other information therein [col. 6, lines 37-50, digital signature].

Regarding claim 13, Rothrock discloses the method of claim 9 further comprising determining that the requested resource is available and/or can be provided. It is well expected that the requested resource is available and/or can be provided before the resource provider does security checking on the resource requester.

Regarding claim 14, Rothrock discloses the method of claim 9 wherein the id includes therein a set of security-related name-value pairs available as input to at least one of the RR, the RP, and an operating system on the computing device upon which the RR operates [FIG. 5, adaptive security table including one or more entries. Each entry includes at least a security factor identifier (ID) and corresponding factor value.].

Regarding claim 15, Rothrock discloses the method of claim 14 wherein the name-value pairs describe at least one of the environment within which the RR operates, whether the RR is to be operated in an isolated process, and each entry point by which the RR can be accessed [FIG. 5 and column 6, lines 51-56, each security factor references a particular security defense or feature that may be provided by the security system operating on the user's machine].

Claim 19 is of the same scope as claim 1. It is rejected for the same reason as for claim 1.

Claim 20 is of the same scope as claim 2. It is rejected for the same reason as for claim 2.

Claim 21 is of the same scope as claim 3. It is rejected for the same reason as for claim 3.

Claim 22 is of the same scope as claim 4. It is rejected for the same reason as for claim 4.

Claim 23 is of the same scope as claim 5. It is rejected for the same reason as for claim 5.

Claim 27 is of the same scope as claim 9. It is rejected for the same reason as for claim 9.

Claim 28 is of the same scope as claim 10. It is rejected for the same reason as for claim 10.

Claim 29 is of the same scope as claim 11. It is rejected for the same reason as for claim 11.

Claim 30 is of the same scope as claim 12. It is rejected for the same reason as for claim 12.

Claim 31 is of the same scope as claim 13. It is rejected for the same reason as for claim 13.

Claim 32 is of the same scope as claim 14. It is rejected for the same reason as for claim 14.

Claim 33 is of the same scope as claim 15. It is rejected for the same reason as for claim 15.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to

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a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 6-8, 16-18, 24-26 and 34-36 rejected under 35 U.S.C. 103(a) as being unpatentable over Rothrock in view of Mourad et al (US 7,171,558 B1, hereinafter Mourad).

Regarding claim 6, Rothrock discloses the method of claim 1 but doesn't disclose wherein the code-ID is calculated from a digest of the RR and the id. However, Mourad discloses a method of creating a code digest (column 6, lines 21-24). It would have been obvious to one of ordinary skill in the art to incorporate the teaching of Mourad into the method of Rothrock at the time of the invention to use a digest to achieve content protection and rights enforcement.

Regarding claim 7, together Rothrock and Mourad disclose the method of claim 6, Mourad further discloses wherein the code-ID is a hash of the RR concatenated with the id thereof [col. 6, lines 53-57].

Regarding claim 8, together Rothrock and Mourad disclose the method of claim 7, Rothrock further discloses wherein the code-ID is a concatenation of two hashes,

each hash being of the RR concatenated with the id thereof [col. 8, lines 15-22, the hash of one or more secure functions implies two or more hashes].

Claims 16, 24, and 34 are of the same scope as claim 6. They are rejected for the same reason as for claim 6.

Claims 17, 25, and 35 are of the same scope as claim 7. They are rejected for the same reason as for claim 7.

Claims 18, 26, and 36 are of the same scope as claim 8. They are rejected for the same reason as for claim 8.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Wheeler et al. (US 6,851,054 B2) discloses an account-based digital signature (ABDS) system for authenticating entity access to controlled resource.

Raley et al. (US 7,206,941 B2) discloses a method and apparatus for validating security components through a request for content.

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

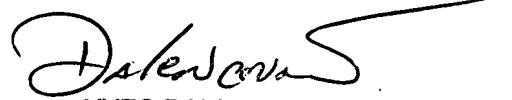
In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Lai whose telephone number is (571) 270-3236. The examiner can normally be reached on M-F 8:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Lai
13 Nov 2007


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PRIMARY EXAMINER
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